

JUDGE DAUGHERTY

## CIVIL DOCKET

Cook

## UNITED STATES DISTRICT COURT

Jury demand date: 11-21-74 by pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>CHARLES L. HAM, Plaintiff</p> <p>vs.</p> <p>SOUTHWESTERN BELL TELEPHONE COMPANY</p> <p>and</p> <p><del>AMERICAN TELEPHONE AND TELEGRAPH COM- PANY, a Corporation</del> <i>dismissed</i> Defendants</p>		<p>For plaintiff:</p> <p><del>Robert Lee Blackwood</del> <i>w-11-11</i> <del>1311 South Guthrie</del> <del>Tulsa, Oklahoma 74119</del> Barry Heaver <i>932-4661</i> 1843 E. 15th Tulsa, Oklahoma</p> <p>Bill Ladd (on appeal) 4401 S. Harvard Tulsa (747-8031) <i>749-7848</i></p> <p>For defendant: <i>79-236-6751</i> Thomas J. Ennis (for SW Bell) 707 North Robinson, Room 921 Oklahoma City, Okla. 73102</p> <p><del>James Ellison (for AT&amp;T)</del> <del>Boone, Ellison &amp; Smith</del> <del>914 World Bldg.</del> <del>Tulsa, Okla. 74103</del> <del>Phone: 587-0005</del></p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>12/1/74</i>	Clerk	Nov. 11-5 11-7-74	Krohn C/D #21	15 00	15 00
J.S. 6 mailed <i>8-1-76</i>	Marshal				
Basis of Action: Ran a red light and collided with pltf's car.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

Cook

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-5-74	1. Petition for Removal, filed. lm	
11-5-74	2. Bond on Removal, filed. lm	
11-5-74	3. Notice of Filing Removal Petition and Bond, filed. lm	
11-6-74	4. Certificate, filed.k	
11-11-74	5. Affidavit of Service of Notice, filed by Thomas J. Enis. v	
11-11-74	6. Answer & Counterclaim of Deft. Southwestern Bell Telephone Co., filed. v	
11-21-74	7. Reply to the Answer of Southwestern Bell Telephone Company, and Answer to Counter Claim of Southwestern Bell Telephone, filed.lm	
12-6-74	8. Ltr. of 12/6/74 from FD to pltf. counsel directing them to respond to def. AT&T's mo/quash by 12/16/74, w/brief, if opposed, filed. (FD-J)rm	
12-19-74	9. Order, filed and entered, that on motion of pltf., def. AT&T is dropped from case as party def. (FD-J)rm - copies mailed	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook (FD-J)rm	
2-10-75	10. Deft's first interrog. submitted to pltf under rule 33, filed.k	
2-28-75	MO: Case set for pre-trial hearing 4-3-75 at 2:30 p.m. (HDC-J)hm	
3-26-75	11. Joint Request for Continuance, filed 11-0 to J	
3-27-75	12. Order, filed, continuing case, until further order of Court. (HDC-J)g <i>mailed</i>	
4-7-75	13. Answers to defs. first interrogatories by pltf., filed. rm	
6-11-75	MO: Case set for pre-trial 7-8-75 at 10:30 a.m. (HDC-J)hm	
7-3-75	14. Second request for continuance, filed. hm	
7-3-75	15. Order, filed, striking PT hearing, to be reset. (HDC-J)hm (copies mailed by Mr. Blackwood)	
7-11-75	MO: Case set for PT hearing 8-26-75 at 11:00 a.m. (HDC-J)hm	
8-20-75	MO: Case stricken from PT hearing of 8-26-75, at request of parties. (HDC-J)hm (letter written)	
9-10-75	16. Motion of Robert Lee Blackwood to withdraw as atty. of record, filed. hm	
9-12-75	17. Order, filed, allowing Robert Lee Blackwood to withdraw as attorney of record for Charles L. Ham. (HDC-J) cps mld mm	
9-17-75	MO: Pltf. directed to obtain new counsel & have him make appearance within 10 days. (HDC-J)hm (letter written)	
9-29-75	18. Request of pltf. for continuance of cause of action until recovery of health, filed. g	
9-30-75	MO: Ordered by the Ct. that the Deft. file a responsive brief within 10 days to Request for Continuance of Cause of Action until Recovery of Health of the Plaintiff. (HDC-J) cps mld mm	
10-8-75	19. Request for continuance of case until recovery of health of plaintiff, filed. g	

(Cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-17-75	20. Deft's response to pltf's request for continuance, filed. hm	
10-30	21. Letter request of pltf. for continuance of cause until after first of year, filed. rm	
11-21	22. Order, filed, directing pltf. to obtain counsel & have him enter his appearance by 12-19-75 & direct him to comply w/Rule 5(h) re. resident counsel; failure to comply with this order will constitute grounds for dismissal; mo/discovery is overruled w/leave to again move upon entry of appearance by counsel for pltf. (HDC-J)hm (copies mailed)	
12-19	23. Entry of Appearance of Atty. for Pltf., Barry Heaver, filed.jj	
1-9-76	MO: Case set for PT hearing 2-3-76 at 2:45 p.m. (HDC-J)hm	
1-20-76	24. Pltf's request for continuance of the pre-trial, filed. ph <i>otoy</i>	
1-20	25. Order, filed, granting pltf's request for continuance from PT setting of 2-3-76, to be reset on order of Court. (HDC-J)hm (copies mailed)	
1-28	MO: Case set for PT hearing 4-13-76 at 12:30 p.m. (HDC-J)hm	
4-13	MO: Pre-trial hearing held. Statements made. Deft's & pltf's proposed PT memorandums, filed in open court. Pltf. withdraws demand for jury trial. Pltf. allowed to amend complaint instanter by changing place of accident to 11th and Denver instead of 10th and Denver. Pltf. to prepare PT order by 5-3-76 and may supplement it at a later date, if necessary. Case set for non-jury trial 7-15-76 at 9:30 a.m. (HDC-J)hm	
4-13	26. Deft's proposal for agreement or settlement at PT conf., filed.hm	
4-13	27. Proposed PT memorandum, filed. hm	
4-30	28. Pltf's request for ext. of time to submit PT order, filed. ph	
4-30	29. Order, filed, granting pltf. to 5/17/76 to submit PT Order.(HDC-J)rm	
5-24	30. PT Order, filed. (HDC-J)ph <span style="float: right;">copies md.</span>	
5-25	Depositions of Charles L. Ham and Charles Thomas Russell taken on 4-6-76 at Tulsa, OK.(M. Ballard-LSR)ph	
6-2	31. Pltf.'s supp. to pretrial order, re addl. witnesses, filed. rm	
7-9	32. Pltf. 2nd suppl. to PT Order re witness name and addl. testimony, filed. rm	
7-15	-- Deposition of Alfred H. Bungardt, M.D., on behalf of Deft., taken before Millie Ballard, LSR, on 7-9-76 in Tulsa, OK. X-rays fld. w/depo. v	
7-15	-- Subpoena, ret & filed: Served Lorene Redburn on 6-14-76 at Tulsa, OK. (USM \$2.24)ph	
7-15	MO: Case tried to the Court. Parties present & announce ready. Prior to trial in chambers, counsel make certain stipulations. In open court, opening statements made. Pltf. presents case in chief w/test. of witnesses. Pltf's & deft's exhibits admitted into evidence. Pltf. rests. Deft's mo/directed verdict, or in altern. mo/directed verdict due to aggravated heart condition confessed by pltf. Deft. presents case in chief w/test. of witnesses and rests. Parties rest. Closing arguments made. Deposition of Alfred H. Bungardt, M.D., received into evidence. Deft's mo/strike pltf's exhibits 3,4&5 overruled. Court	

DATE	PROCEEDINGS	Date Order or Judgment Note
	makes findings and rules in favor of deft. on issue of liability, and finds in favor of deft. & against pltf. on the counterclaim in the amt. of \$1300.00. (HDC-J)hm	
7-15	Trial exhibits, filed. hm	
7-15	Judgment on decision by the Court, filed and entered, finding for the deft. & against the pltf. on the issue of liability, and for the deft. & against the pltf. on the counterclaim in the amt. of \$1,300.00. (HDC-J)hm (copies mailed)	
7-21	Bill of Costs, fld. by Deft. Hrg. set for 7-30-76 at 10 a.m. before the Clerk. v -cps mld	
7-22	Return on US Marshal's Service, Civil Subpoena, fld. Served Robert L. Crow in Tulsa, OK, on 7-15-76 w/fees of \$2.00. v	
7-22	Reporter's partial transcript of proceedings had on 7-15-76, N/J Trial, filed. ph	
7-26	Bill of costs taxed in the amount of \$711.90 in favor of deft, filed. (JCS-CC)ph	
7-27	Letter from Thomas J. Enis, deft. atty, re no obj. by pltf. to bill of costs, filed. ph	
8-6	Pltf's motion for new trial, filed. ph	
8-9	MO: It is ordered by the Ct. that the deft. file a resp. brief within 10 days to the Pltf's motion for new trial.(HDC-J)ph cps mld	
8-17	Deft's resp. in opposition to pltf's motion for new trial, filed.ph	
8-24	Pltf's resp. to deft's in opposition for new trial, filed.ph	
9-7	Order, filed, that Motion of pltf., Charles L. Ham, for new trial is overruled. (HDC-J)ph cps mld	
10-7	Notice of appeal by pltf. from judg. of 7/15/76 and order of 9/7/76, filed. rm copy to USCA	
10-7	Bond for costs on appeal (\$250 cash) filed. rm	
10-28	Reporter's partial transcript of proceedings had on 7/15/76, nonjury trial, filed. (T. Bloxom-CR)rm	
11-1-76	Appeal record (2 vols) sent to USCA.rm	
11-29-76	Mandate of USCA dismissing appeal on motion of appellant, filed & spread of record. g	
12-17	Appeal record (2 vols) received from USCA. rm	
4-26-82	APPLIC to disburse funds to Bill Ladd atty for pltf.(0 as part of applic)a	
4-27	ORDER that \$250.00 be pd to Bill E. Ladd, atty for the pltf as reimbursement for Ct. costs deposited & expended. (HDC-J)jc(c/Ladd)	
3-4-83	EXHIBITS returned to counsel. hm	